

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE:

DAWN M. MOATS,	:	Bankruptcy No. 22-21172-CMB
	:	
Debtor.	:	
	:	Chapter 7
UNITED STATES TRUSTEE,	:	
	:	
	:	
Movant,	:	
v.	:	Related to Doc. No. 21
	:	
	:	
DAWN M. MOATS,	:	
	:	
Respondent.	:	

TRIAL ORDER AND NOTICE

AND NOW, this 30th day of January, 2023, pending before the Court is the *Motion of the United States Trustee to Dismiss Case Pursuant to 11 U.S.C. §707(b)(3)* ("Motion," Doc. No. 21) and response thereto (Doc. No. 27), and whereas at the hearing held January 17, 2023, Movant requested a period of ninety (90) days for discovery and a scheduling order to proceed with the Motion,

It is hereby **ORDERED, ADJUDGED, and DECREED** that (1) discovery shall close on **April 20, 2023**, and (2) the parties shall comply with the following procedures, deadlines, and scheduling:

Pretrial Statement

1. The parties shall meet and confer to discuss resolution of this case and shall cooperate in the preparation of the Pretrial Statement using the attached form as set forth herein.
2. On or before **April 28, 2023**, Movant's portion of the Pretrial Statement, together with copies of pre-marked exhibits, shall be finalized and served on all other parties, and a Certificate of Service evidencing such service shall be filed with the Court.

3. On or before **May 10, 2023**, Respondent's portion of the Pretrial Statement, together with copies of pre-marked exhibits, shall be finalized and served on all other parties, and a Certificate of Service evidencing such service shall be filed with the Court.
4. **The Parties' individual Pretrial Statements shall not be filed on the docket. The individual Pretrial Statements are intended only to be exchanged between the Parties to aid in the completion of the Joint Pretrial Statement.**
5. On or before **May 17, 2023**, a completed Joint Pretrial Statement shall be filed with the Court.

Trial Exhibits & Testimony

1. Upon consent of the parties, testimony by affidavit will be permitted.
2. If any witness is to be called as an expert, an expert's report must be filed with the Pretrial Statement.
3. Any exhibit that has not been identified in the Joint Pretrial Statement, except an exhibit to be used solely for impeachment purposes, shall not be admitted as evidence, unless the Court orders otherwise.
4. Unless an objection is noted on the exhibit list filed with the Joint Pretrial Statement, the exhibits will be admitted without further testimony. As to any objections noted, the admissibility of those exhibits may be considered before any testimony is taken. Only those exhibits as to which a ruling on admission is reserved will require witness identification or authentication.
5. **At the time the Joint Pretrial Statement is due**, the parties shall deliver to Chambers: **three** hard copies of pre-marked exhibits **and** a USB drive containing an electronic copy of the pre-marked exhibits in PDF format. Trial exhibits are not required to be filed on the docket.
6. If any party's exhibits cumulatively total in excess of 20 single-sided pages, each set of the exhibits shall be bound in a three-ring binder, with each exhibit separated by a tabbed divider page. Additionally, the lower right-hand corner of each page of the collective exhibit document shall be consecutively numbered (Bates Stamp numbering) from the first page to the last page, independent of

exhibit identification numbers previously placed on the exhibits. **The electronic copies of exhibits must contain matching Bates Stamp numbering.**

7. Counsel are the custodians of their exhibits throughout the trial.
8. Exhibits will be retained by the Court as set forth in W.PA.LBR. 9070-1.

Pretrial Briefs

1. Unless otherwise directed by the Court, no pretrial briefs are to be filed.

Pretrial Motions

1. Any pretrial motions (such as motions *in limine*, requests for special accommodations for a witness, or requests for the use of technology at trial¹) shall be filed on or before **May 24, 2023**, and will be set for hearing at the same time as the Final Pretrial Conference unless otherwise ordered.
2. Prior to filing a pretrial motion, the parties shall meet and confer to attempt to resolve the issue(s). Any pretrial motion shall include a statement certifying that the parties met and conferred but were unable to resolve the dispute(s).

Final Pretrial Conference

1. A Final Pretrial Conference will be held on **June 12, 2023**, at **2:30 P.M.** via the Zoom Video Conference Application ("Zoom"). To join the Zoom Final Pretrial Conference, please initiate by using the following link 15 minutes prior to your scheduled hearing time: <https://www.zoomgov.com/j/16143800191>, or alternatively, attend by using the following Meeting ID: 161 4380 0191. ALL HEARING PARTICIPANTS ARE REQUIRED TO REVIEW AND COMPLY WITH THE ZOOM PROCEDURES, which can be found at: <https://www.pawb.uscourts.gov/sites/default/files/pdfs/cmb-proc-videohrg.pdf>.
2. At that time, the Court will address formulating a plan for trial, including facilitating the admission of evidence, resolving any disputes that may have arisen

¹ To the extent a party seeks to use technology at trial, it is counsel's responsibility to timely contact the Court's IT staff to determine if the request can be accommodated.

during preparation for trial, adjudging any motions *in limine*, and other evidentiary matters. The parties shall also be prepared to address settlement.

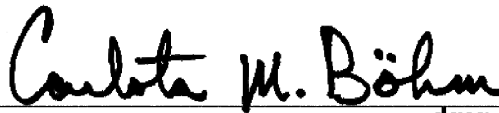
3. Lead trial counsel **must** attend the Final Pretrial Conference.

Trial

1. Trial will commence on **June 22, 2023**, at **9:00 A.M.** before the Honorable Carlota M. Böhm in Courtroom B, 54th Floor, U.S. Steel Tower, 600 Grant Street, Pittsburgh, Pennsylvania.
2. Three (3) hours have been reserved for trial in this case. In the event the parties anticipate that additional time is needed, they shall advise the Court at the Final Pretrial Conference.

Failure to Appear/Comply

1. Failure to appear at the Final Pretrial Conference or otherwise comply with the provisions of this Order may result in dismissal, default, prohibition from offering testimony or exhibits, or other action deemed by the Court to be appropriate under the circumstances.



Carlota M. Böhm
U.S. Bankruptcy Judge

dmr

FILED
1/30/23 4:09 pm
CLERK
U.S. BANKRUPTCY
COURT - WDPA

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE:

[DEBTOR],	:	Bankruptcy No. _____ - CMB
	:	
Debtor(s).	:	
	:	Chapter ____
[PLAINTIFF],	:	
	:	
Plaintiff(s),	:	
v.	:	Adversary No. _____
	:	
[DEFENDANT],	:	
	:	
Defendant(s).	:	

[NOTE: The designation "Plaintiff(s)/Defendant(s)" has been used throughout this form. Depending on the type of matter at issue, counsel shall appropriately designate the respective parties involved in this matter (i.e. "Plaintiff(s)/Defendant(s)" or "Movant(s)/Respondent(s)" or "Claimant(s)/Respondent(s)" etc. This document is also available in Word format on the Court's website under Judge Carlota Böhm's Forms.]

PRETRIAL STATEMENT

It is stipulated by and between the parties that:

- I. **This is an action for:** *(If applicable, specify the particular section(s) and subsection(s) of the Bankruptcy Code.)*

- II. **Plaintiff(s)' narrative statement of the case:** *(Include a statement of Plaintiff(s)' theory of Defendant(s)' liability, Plaintiff(s)' injuries, and Plaintiff(s)' damages.)*

III. Defendant(s)' narrative statement of the case:

IV. Third Party Defendant(s)' narrative statement of the case *(if applicable):*

V. Stipulated Facts: The following facts are stipulated by the parties and require no proof. *(List separately each stipulated fact.)*

VI. Contested Facts: The following facts are contested by the parties. *(List pertinent factual contentions and a summary statement of the evidence to be offered in support of each contention.)*

A. Plaintiff(s):

B. Defendant(s):

C. Third Party Defendant(s):

VII. **Exhibits:**

- A. During preparation of the Pretrial Statement, all parties are to pre-mark and exchange copies of the exhibits they reasonably anticipate offering at trial.
- B. All exhibits shall be pre-marked by counsel using exhibit labels. Plaintiff(s) use exhibit numbers, and Defendant(s) use exhibit letters. If applicable, Third Party Defendant(s) use exhibit letters preceded by the notation "TPD." Each exhibit shall also be pre-marked to indicate whose exhibit it is and the date of the trial.

Example:

Plaintiff (Name) Exhibit #1 (Trial Date)	Defendant (Name) Exhibit A (Trial Date)	3rd Party Defendant Exhibit TPD-A (Trial Date)
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- C. The enclosed form shall be used to prepare the exhibit list.
- D. Each party shall list all exhibits intended to be offered at trial, in the sequence proposed to be offered, with a description of each exhibit sufficient for identification. If no objection exists as to a specific exhibit, the "Objection" column on the required exhibit list is to remain blank. Any statement of issues between any of the parties regarding admissibility of the specific exhibit, for example, "authenticity," "due execution" thereof, or "relevancy," must be inserted in the "Objection" column otherwise the objection will be waived. If no objections are noted on the exhibit list following the description of an exhibit, the parties will be deemed to have agreed to the admission of the exhibit for all intents and purposes, and the exhibit will be admitted without further testimony. As to any objections noted, the admissibility of those exhibits will be considered at the Final Pretrial Conference or before any testimony is taken, subject to the Court's discretion. Only those exhibits to which a ruling on admission is reserved will require witness identification or authentication.

Date of Trial _____

(Revised October 2022)

VIII. **Witnesses:**

- A. Provide a complete list of all witnesses, including names and addresses, together with a brief summary of the area of testimony each witness will address. Indicate whether an objection has been made to each respective witness.
- B. The enclosed form shall be used to prepare the witness list.
- C. All reasonably anticipated objections to testimony and all motions to limit testimony of a witness identified by an opposing party shall be filed with the Court within the timeframe provided in the Trial Order and Notice so that objections can be resolved at the Final Pretrial Conference.
- D. Designation of a non-party witness on an opponent's list of witnesses does not relieve a party of assuring the presence of that witness at trial if his or her testimony is desired.
- E. If the parties consent to testimony by affidavit for any witness, that shall be clearly indicated by the name of the witness in the list below.

WITNESS LIST FILED ON BEHALF OF: _____

Case No. _____

Adv. No. _____

Date of Trial _____

Name of Witness	Address	Area of Testimony	Objections

IX. **Issues of Law:**

A. List the legal issues as to which there is no actual dispute:

B. List the issues of law that are contested and remain to be litigated at trial:

X. **Stipulations:** The foregoing admissions of fact having been made, and the parties having specified the issues of fact and law remaining to be litigated, this stipulation shall supplement the pleadings and govern the course of trial unless modified to prevent injustice.

XI. **Authorization:** My signature on this document authorizes my consent to the filing of this Stipulation and acknowledges that I have reviewed all documents and exhibits identified herein by all other parties and/or their attorney(s).

Stipulated and Agreed to By:

[INSERT SIGNATURE BLOCKS CONTAINING SIGNATURES, NAMES, ATTORNEY I.D. NOS., ADDRESSES, TELEPHONE NUMBERS, AND E-MAIL ADDRESSES OF ATTORNEYS OR THE PARTIES (IF PRO SE).]

In re:
Dawn M. Moats
Debtor

Case No. 22-21172-CMB
Chapter 7

CERTIFICATE OF NOTICE

District/off: 0315-2
Date Rcvd: Jan 30, 2023

User: auto
Form ID: pdf900

Page 1 of 2
Total Noticed: 1

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Feb 01, 2023:

Recip ID	Recipient Name and Address
db	+ Dawn M. Moats, 9 Livengood Lane, Fairchance, PA 15436-1285

TOTAL: 1

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI).

NONE

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

NOTICE CERTIFICATION

I, Gustava Winters, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Feb 01, 2023

Signature: /s/Gustava Winters

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on January 30, 2023 at the address(es) listed below:

Name	Email Address
Brian Nicholas	on behalf of Creditor Finance of America Mortgage LLC bnicholas@kmlawgroup.com
Brian Nicholas	on behalf of Creditor Towd Point Mortgage Trust 2015-2 U.S. Bank National Association as Indenture Trustee bnicholas@kmlawgroup.com
Jodi Hause	on behalf of U.S. Trustee Office of the United States Trustee jodi.hause@usdoj.gov David.A.Berry@usdoj.GOV;Steven.W.Albright@usdoj.GOV
Julie Frazee Steidl	on behalf of Debtor Dawn M. Moats julie.steidl@steidl-steinberg.com leslie.nebel@steidl-steinberg.com;abby.steidl@me.com;r53037@notify.bestcase.com;rlager@steidl-steinberg.com;jseech@steidl-steinberg.com
Kenneth Steidl	

District/off: 0315-2

User: auto

Page 2 of 2

Date Rcvd: Jan 30, 2023

Form ID: pdf900

Total Noticed: 1

on behalf of Debtor Dawn M. Moats julie.steidl@steidl-steinberg.com
ken.steidl@steidl-steinberg.com;ifriend@steidl-steinberg.com;asteidl@steidl-steinberg.com;todd@steidl-steinberg.com;rlager@st
eidl-steinberg.com;leslie.nebel@steidl-steinberg.com;jseech@steidl-steinberg.com

Office of the United States Trustee

ustpregion03.pi.ecf@usdoj.gov

Robert H. Slone, Trustee

robertslone223@gmail.com rslone@pulsenet.com;pa07@ecfbis.com

Robert H. Slone, Trustee

on behalf of Trustee Robert H. Slone Trustee robertslone223@gmail.com, rslone@pulsenet.com;pa07@ecfbis.com

TOTAL: 8